

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6299-CR-FERGUSON

UNITED STATES OF AMERICA. :

Plaintiff, :

vs. :

JOSEPH PERMENTER, :

Defendant. :

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[Signature]

**OBJECTION TO PRESENTENCE INVESTIGATION REPORT**

The defendant, through counsel, files this objection to the Presentence Investigation Report (PSI).

On February 23, 2001, a PSI was compiled which denied Mr. Permenter a two-level reduction for acceptance of responsibility. The reason for the denial, stated at page 5 paragraph 20 of the PSI, is that Mr. Permenter tested positive for cocaine on January 29, 2001. Mr. Permenter objects to this denial of the two level adjustment for acceptance of responsibility.

Acceptance of responsibility is governed by U.S.S.G. § 3E1.1 and the guidelines themselves provide guidance as to the appropriate considerations for determining acceptance. One consideration according to application note 1(a) of § 3E1.1 is "truthfully admitting the conduct comprising the offense of conviction and truthfully admitting or not falsely denying any additional relevant conduct

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for which the defendant is held accountable under 1B1.3.” Mr. Permenter has done this. Mr. Permenter was arrested on July 27, 2000. On that day, in a post-Miranda statement Mr. Permenter admitted his offense conduct to postal inspectors.

An additional consideration for the court is found in note 3 to § 3E1.1. This commentary note indicates that entry of a guilty plea and truthfully admitting offense and relevant conduct is “significant evidence of acceptance of responsibility.” Mr. Permenter has done this. The defendant was indicted on October 12, 2000 and pled guilty on January 3, 2001. On January 3, 2001, Mr. Permenter admitted the offense to this Court.

Additionally, Mr. Permenter appeared at the office of United States Probation and cooperated fully in the interview by the probation officer which resulted, in part, in the compilation of the PSI.

Wherefore the defendant requests that this court grant the defendant’s objection and award him a two-level reduction for acceptance of responsibility.

Respectfully submitted,

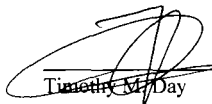
KATHLEEN M. WILLIAMS  
FEDERAL PUBLIC DEFENDER

By: 

~~Timothy M. Day~~  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was mailed on this  
12 day of March, 2001 to Bertha Mitrani, Esquire, United States Attorney's Office, 299 E.  
Broward Blvd., Fort Lauderdale, Florida 33301 and to Dedra Pratt, United States Probation Office,  
299 E. Broward Blvd., Room 409, Fort Lauderdale, Florida 33301.

  
Timothy M. Day

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